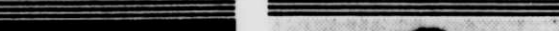


MITCHEL, WITNESS AT WIRE TAPPING INQUIRY, ALLEGES A CONSPIRACY BY CATHOLICS TO OBSTRUCT JUSTICE




Supervision of Telephones, He Tells Thompson Committee, Made Necessary by Efforts of Church to Interfere in Affairs of State.



**MGR. DUNN IS FLATLY ACCUSED
AS WELL AS FATHER FARRELL**

Gag Applied as Mayor Insists on Repeating Conversations Overheard by Police—Charges Emphatically Denied by Chancellor of Diocese.



Mayor Mitchell, appearing before the Thompson committee yesterday, charged a conspiracy on the part of certain Catholic clergymen and others of his co-religionists to interfere with the city government and obstruct the administration of the law. He justified the tapping of the telephone lines in connection with the recent charities investigation on these grounds.

William H. Hotchkiss.
Special investigation counsel.
Who were indicted yesterday in the wire tapping case.

John A. Kingsbury.
Charities Commissioner.

BURNS WILL BE INDICTED

John Doe Inquiry Begins To-day Before Chief Magistrate

**trate McAdoo and Others May Be Accused in
Seymour & Seymour Office Incident.**

A John Doe investigation into the tap- Thompson committee in this connection

ing of the telephone wires of Seymour & Seymour, lawyers in the Equitable Building, which District Attorney Swann said yesterday would result in the indictment of William J. Burns, the detective, will have been or will be subpoenaed."

Judge Swann's former intention, expressed in a letter on Monday to Frederick Seymour, had been to have him before the Grand Jury. His explanation of the change to a John Doe indictment was that the case against Seymour was not ready for trial.

The Mayor was to decide overnight whether he would give full details of the telephone conversations to the committee in closed session to-day.

commence at 11 o'clock this morning before Chief Magistrate McAdoo.

If the outcome of this inquiry justifies it the District Attorney will go into the whole question of tapping of telephones and will, in this case, and will, in

"This case has reached a place where it ought to be gone into thoroughly and publicly. Therefore, I have asked Chief Magistrate McAdoo to undertake it, and he has consented. I cannot make public the names of all the witnesses who

**MAYOR CHARGES FOUR
CRIMES BY PLOTTERS**

phone wires by the police and will investigate all the 350 cases in which the police have listened in on telephone conversations since January 1, 1945.

Circuit Magistrate McAdoo, Judge Swift said, will handle into "the case

will appear, but we have asked Fred Egan and John Seymour. We have also called William Egan of J. P. Morgan & Co. and George W. Palmer, president of the Equitable Building, both of whom are connected with the phone wires in connection with the recent charities investigation—was executed criminal attempt before the

Major Mitchell's threat to tear things wide open"—to disclose the facts underlying the tapping of telephone wires in connection with the recent charities investigation—was executed criminal attempt before the

witnesses denied the Mayor in the conversation it would have been the Mayor demanded to be heard in public. So insistent was he that several times he overrode Senator Thompson's ruling and read on in a hubbub of gavel rattle

"I wanted to take up before the Grand Jury the 350 other wire tapping cases which Police Commissioner Woods has listed, but we have two Grand Juries in session, how and both of them are jammed. I am not going to take up their office."

engaged Burns to detect suspected diverting of tips on munitions orders from the Morgan offices to the Seymour offices, are subpoenaed. Judge Swann will take personal charge of the inquiry.

"We will go into the whole situation and decide the best means to indict," said Judge Swann. "We will also decide where to indict besides Burns."

Then there are grounds for the inference," Judge Swann, was

"Unquestionably, yes," answered the District Attorney.

Unlawful Entry Charge.

Raymond J. Burns said yesterday that he could not see how his father or anybody connected with the Burns agency could be indicted for unlawful entry into the city.

Mayor Michel implicated these persons, "either individually or acting in concert," in four crimes which it was suspected by the administration had been committed by the agency.

The committee was in a quandary. The Mayor seemed to be the coolest man in the room. Frank Moss, the committee's counsel, was flushed with rage, excited by a previous angry tilt with the Mayor.

Chief Magistrate McAddoo intends at least to start the inquiry under section 405 of the Penal Code, regarding unlawful entry, a misdemeanor punishable by a year in the penitentiary and \$500 fine. He will move for a writ of habeas corpus before the Thompson legislation becomes effective.

live committee has been that William J. Burns, his son, Sherman Burns, and a stenographer entered the Seymour office at night by means of a pass key.

Then, according to this testimony, not only was a detectaphone installed in the

...so I don't see how it was unlawful entry."

Testimony before the Thompson committee has shown that William J. Burns and Martin Egan of the Morgan firm told the building superintendent that

Finally Mr. Moss moved that the committee adjourn to some other building inasmuch as the Mayor would not lead the committee for a closed session in the coroner's court room.

Priests Under Suspicion.

The administration, he said, was prompted to order the tapping of the telephones because they were convinced that those who had been charged with a conspiracy on the part of certain priests of the Catholic church, this man Potter, Hebbard (Robert W. Hebbard, who believed a crime was being committed by somebody in Seymour & Seymour's office, had wanted access to the office to get inside those in charge of the building gave them access.

"Also," said Mr. Burns, "we have laid all our side of the case before the District attorney."

The scenes lasted for nearly half an hour. The committee by that time was almost convinced that it would have leave if it wanted to do any more business that day. Then the Mayor offered a compromise.

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enter a building or any part thereof with intention to commit a felony or a larceny or any malicious mischief or any other crime against a person, whether the taking of property from a desk, which are later returned, is a felony or a larceny or whether forcing through a wall and into another building through a wall and into

Seymour to Waive Immunity. Frederick Seymour early in the afternoon, when he expected to be called before the grand jury, was informed that he had been subpoenaed to appear before the grand jury or anybody else and tell our stories again. We aren't afraid of any thing."

Neither Frederick nor John Seymour would make any statement generally on the case yesterday. They expect, however, to appear before the grand jury.

fore the Grand Jury to-day (Friday) afternoon, Chief Magistrate McAdoo, said that he would not willingly sign a waiver of immunity, upon which the District Attorney insists. Later, when told that the proceeding was to be a John Doe indictment, to take place to-morrow night, Frederick S. Moore, State Attorney, said that he would not interfere with the wire tapping matter through testifying to-day. This statement will be a complete review of their connection with the wire tapping matter. The statement, it was learned last night, will deny absolutely that there is any connection between the State or American institutions. While the Mayor, he said, is naturally in the State with the conference with the State Church, just as it is a fundamental principle of American life that the State shall not interfere with the Church. In the charities investigation itself, he said, the committee would hold the opportunity open for a day until to-morrow and then close the case. Meanwhile the Mayor in City Hall incensed at the findings of the Grand Jury in Brooklyn, which indicted Commissioner Kingsbury of the Charities

quity, Seymour said that made no difference.

William J. Burns left Los Angeles this morning and will reach New York on Saturday, said his son, Raymond J. Burns, who on Friday refused to give a copy of the transcript to the *Post*.

Particularly it will show that many of the men who were in the line of march from the Hotel California to the Hotel Monterey were not American troops went into Mexico was discussed over the telephone in their

Major Mitchell alleged that the persons whose lines were tapped and others were engaged in a persistent effort to discredit John A. Kingsbury, Charles Commissioner, to "pull him out of the investigation," to "make him, and the

partner and William H. Hotel's special assistant Corporation Counsel advised Commissioner Kingsbury in the commission. He said he would make known all the facts of the tapping case within forty-eight hours.

Mr. Seymour said that he would advise the grand jury of the results of his investigation. He said he would also advise the grand jury of the results of his investigation. He said he would also advise the grand jury of the results of his investigation.

being absolutely his already expressed determination not to make a complaint against Burns for any entry or anything that he is not sure of. He said that the hearing is being held. He is of the opinion that the making of a criminal charge against Burns in the District

The Mayor, however, was not permitted to read into the record the conversations alleged to have been reported over the tapped telephone lines in the charities inquiry. It was that action by the Thompson inquiry which was the cause of the controversy with the sample.

in Federal Court. William J. Burns and John Doe, and every witness who has appeared before me or the wife of John Doe, involves Brooklyn, and if that is reported to me, it will be taken up."